

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FRANK S. WALKER,
Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

Case No. [13-cv-05037-BLF](#)

**ORDER SETTING BRIEFING
SCHEDULE RE PLAINTIFF'S MOTION
FOR INJUNCTION AGAINST
GARNISHMENT; VACATING AUGUST
21, 2014 HEARING**

[Re: ECF 43, 46, 48, 49, 51]

This is a Social Security appeal pursuant to 42 U.S.C. § 405(g). Before the Court are *pro se* plaintiff Frank S. Walker's numerous serial motions filed on June 20, (ECF 43), July 14, (ECF 46), July 28, (ECF 48), August 11, 2014 (ECF 49), and August 13, 2014 (ECF 51). These motions were filed after the conclusion of briefing on the parties' cross motions for summary judgment concerning the main appeal, as ordered by this Court on April 30, 2014. (Order, ECF 34)

As a preliminary matter, Plaintiff's several motions purport to notice a hearing on August 21, 2014 before this Court. This hearing was not noticed in compliance with the Court's standing order and does not appear on the Court's calendar. To eliminate any confusion, however, the Court hereby **VACATES the August 21, 2014 hearing** set by Plaintiff.

Plaintiff's filings are confusing and incomprehensible, and the gravamen of each is not clear. Construing the filings liberally, all of Plaintiff's submissions appear concerned with the Social Security Administration's levies on Plaintiff's federal income tax returns and back wages to collect on the Social Security overpayments that are the subject of the appeal before this Court. (*See, e.g.*, June 20 Mot. ¶¶ 5-20, 127; July 14 Mot. ¶ 136; July 28 Mot. ¶¶ 6-43, 104, 117-19) Plaintiff's calculation of the amount garnished varies in each filing, but it appears that about \$4,685 has been garnished. Plaintiff appears to be requesting that the administrative record reflect


1 this garnishment, that the Court order the Administration to return what was previously garnished,
2 and that the Court enjoin the Administration from making any further garnishments during the
3 pendency of this appeal. (See June 20 Mot. ¶ 127; July Mot. ¶ 136; July 28 Mot. ¶ 117-19)

4 Plaintiff has not identified any authority in support of these extraordinary requests.
5 Nonetheless, in view of Plaintiff's *pro se* status, the Court finds it prudent to order a response from
6 the Administration.¹ IT IS HEREBY ORDERED THAT:

- 7 1. The Administration shall file a brief not exceeding 10 double-spaced pages
8 addressing: (1) the nature and amount of the garnishment of Plaintiff's federal
9 income tax and back wages; (2) the authority pursuant to which the Administration
10 is making these garnishments; and (3) why this Court should not enjoin the
11 Administration against making further garnishments during the pendency of this
12 appeal. The Administration shall file this brief by **August 29, 2014**.
- 13 2. Plaintiff may file a reply to the Administration's brief not exceeding 7 double-
14 spaced pages. Such reply shall be filed no later than **September 12, 2014**.
- 15 3. The matter will be submitted on the papers, and no hearing will be held.

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17 **IT IS SO ORDERED.**

18 Dated: August 15, 2014

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20 BETH LABSON FREEMAN
21 United States District Judge
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27 ¹ The Court is in receipt of the Administration's single-page response filed August 15, 2014.
28 (ECF 53) As the response does not address all of the issues identified in this order, the Court finds that further briefing is necessary.